

REMARKS

The foregoing amendment and remarks which follow are responsive to the Final Office Action mailed December 1, 2006 in relation to the above-identified patent application, and is being submitted in connection with Applicant's Request for Continued Examination.

Summary of the Office Action

In the Office Action mailed December 1, 2006, the Examiner objected to claims 1, 11, 21 and 24 because of minor informalities. More specifically, the Examiner indicated that the recitation of "greater than said link" lacks antecedent basis and that the term "substantially" is a relative term which the Examiner indicated as rendering the claims indefinite.

By this amendment, Applicant has amended Claims 1, 11, 21 and 24 such that the recitations "substantially" and "greater than said link" are no longer present in the claims. Therefore, the objections advanced by the Examiner against Claims 1, 11, 21 and 24 are now moot.

Also in the Office Action, the Examiner rejected Claims 1-26 under 35 USC § 102(b) as being anticipated by Brockway et al. (U.S. Patent Number 6,269,615). More specifically, in relation to independent Claims 1 and 11, the Examiner indicated that "Brockway et al. discloses an anatomical pressure-sensing device (110), comprising: (a) a pressure sensor (174, 274, 542) for determining the pressure exerted within an anatomical structure, producing a signal corresponding to the pressure of compression against said structure, and having a link (144, 544) extending therefrom for transmitting said signal, wherein said signal has a medial cross section greater than said cross section of said link." The Examiner further indicated that Brockway discloses "(b) a monitor ... coupled to said link via cable (175) for receiving said signal and indicating the results." (Office Action, page 3).

With regard to the rejection of independent Claims 21 and 24, the Examiner indicated that Brockway discloses a method for measuring pressure within an anatomical structure

comprising the steps of: “(a) providing a sensor” and “(b) providing a monitor” wherein the sensor and monitor are indicated as being similar to that which was described in the rejection of claims 1 and 11. The Examiner further indicated that the method of Brockway includes the steps of “(c) inserting said sensor within said anatomical structure; and (d) monitoring said signal generated by said sensor positioned in step (c) by said monitor provided in step (b).” (Office Action, page 5).

Summary of the Amendments

In the present amendment, Applicant has amended independent Claims 1, 11, 21 and 24 in order to clarify the invention and more clearly claim the subject matter which Applicant regards as the invention. Support for the amendments to Claims 1, 11, 21 and 24 is found in the specification as originally filed and, more particularly, in Paragraph 0013 (“sensor is operative to detect and quantify the pressure exerted within or between such anatomical masses/structures....measure the pressure exerted by a target structure...measure the pressure of a fluid thereagainst, as ... in urodynamic profile procedures”).

Support for the amendments to Claims 1, 11, 21 and 24 is also found in Paragraph 0026 (“sensor 12 [is]...operative to measure either the spatial separation between the anatomical mass and structure and/or the compressive force, stress or pressure exerted therebetween to generate a signal correspondingly thereto”). Applicant submits that the amendments to Claims 1, 11, 21 and 24 clearly distinguish the present invention from the prior art reference cited thereagainst, namely, Brockway.

Traversal of Rejection of Claims 1-26 under 35 USC § 102(b)

Applicant initially points out that the above-noted amendments to the claims and the remarks in support thereof are directed toward emphasizing the feature of **Applicant’s invention in providing a “sensor ... positionable within an anatomical structure ... and measuring pressure exerted within said anatomical structure”** as recited in amended Claims 1, 11, 21 and 24. Applicant submits that such feature is clearly distinguished from the pressure sensor

(174, 274, 374) illustrated in Figures 1, 2 and 4 of Brockway because the Brockway pressure sensor (174, 274, 374) is housed within a portion of the pressure transmission catheter which is positioned outside the patient's body and at no time is the pressure sensor (174, 274, 374) of Brockway "positionable within an anatomical structure" as claimed in the present application.

Furthermore, Applicant's wish to point out that the above-noted amendments to the claims emphasize an additional feature in that **the sensor of Applicant's invention is adapted to "measure pressure exerted within said anatomical structure and produce a signal representative of the pressure ... for transmission through said link"** as recited in amended Claims 1, 11, 21 and 24. The capability of the sensor of Applicant's invention to measure pressure within the anatomical structure is clearly **distinguished from the Brockway device wherein "pressure of the target fluid is transmitted ... in the hollow tube through the gel-like material... of the distal tip and is fluidly transmitted to the pressure transducer."** (Column 3, lines 6-9). Applicant points out that the pressure transducer of the type used in the Brockway catheter is well known in the art and such pressure transducers are typically adapted to convert pressure (e.g., such as fluid pressure) into an electrical signal. As is illustrated in Figures 1-14 and described in Brockway, pressure of a target fluid (i.e., blood pressure, intracranial pressure, etc. – Col. 1, ll 12-15) is imposed against "a wall of the distal [end] ... and is fluidly transmitted to the pressure transducer." (Col. 3, ll 6-9). The Brockway pressure transducer is located at an opposite end of the hollow tube and is in contact with the fluid in the hollow tube and converts the fluid pressure into an electrical signal which is then delivered to a control unit as shown in Fig. 14.

Applicant points out that **the catheter of Brockway acts merely as a conduit for transmission of pressure from the distal end to the pressure transducer.** In no way does Brockway disclose, suggest or even imply that pressure is measured at the anatomical structure (i.e., at the distal end of the catheter). As is clearly illustrated in Figure 14 of

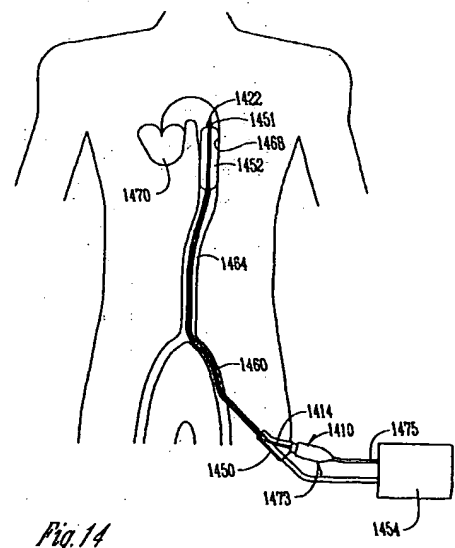


Fig. 14

Brockway (shown above) “pressure transducer/electronics assembly 1473 ... is connected to the ... catheter control system 1454” (Column 11, lines 14-17) **The distal end 1451 is advanced “through the abdominal aorta 1464” (Column 11, lines 4-5) such that pressure experienced at the distal end [is] only fluidly transmitted through the catheter to the pressure transducer where the pressure is actually measured.** The pressure measurements are used to calibrate control system 1454.” (Column 11, lines 25-26).

As can be seen, the teachings of Brockway are the exact opposite of Applicant’s invention. The pressure catheter of Brockway is arranged such that the pressure transducer (i.e., the functional equivalent of the sensor of Applicant’s invention) is disposed remotely from the area of anatomical structure of interest (i.e., outside the patient’s body). In this regard, **Brockway fails to disclose the sensor being “positionable within an anatomical structure” as recited in amended Claims 1, 11, 21 and 24.**

Furthermore, **Brockway also fails to disclose the sensor having the capability to “measure pressure within said anatomical structure and produce a signal representative of the pressure exerted within said anatomical structure and transmit said signal through said link” as is also recited in amended Claims 1, 11, 21 and 24.** this Brockway only discloses that the pressure catheter acts as a conduit for pressure. More specifically, Brockway discloses that the long, small diameter hollow tube of catheter includes first liquid within the proximal end include contact with pressure sensor, gel-like material contained within distal end, and second liquid filling the remaining space within hollow tube for fluidly transmitting pressure from the distal end to the pressure transducer for conversion into a signal. (Column 4, lines 42-66).

Conclusion

Accordingly, Applicant respectfully submits that as amended herein, all claims of the present invention are not anticipated by the cited art and are believed to be in condition for allowance. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting the allowance of the application or requires additional information or has any suggestions how to resolve any

Application No.: 10/666,396
Response to Office Action of December 1, 2006
Attorney Docket: MEDTR-001A

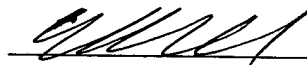
outstanding issues, please contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 2/9/07

By:



Customer No.: 007663

Matthew A. Newboles
Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

MAN/SO

T:\Client Documents\MEDTR\001A\rspns.2.off.act.of.120106.doc